

**HOUSE BILL NO. 1270**

Introduced by

Representatives DeKrey, Koppelman, Warner

Senator Lyson

1 A BILL for an Act to provide for an interstate compact for adult offender supervision; and to  
2 provide an expiration date.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. Compact for adult offender supervision.** The interstate compact for  
5 adult offender supervision is entered with all jurisdictions legally joining the compact in the form  
6 substantially as follows:

7 **Article 1. Purpose**

- 8 1. The compacting states to this interstate compact recognize that each state is  
9 responsible for the supervision of adult offenders in the community who are  
10 authorized pursuant to the bylaws and rules of this compact to travel across state  
11 lines both to and from each compacting state in such a manner as to track the  
12 location of offenders, transfer supervision authority in an orderly and efficient  
13 manner and, when necessary, return offenders to the originating jurisdictions. The  
14 compacting states also recognize that the United States Congress, by enacting  
15 4 U.S.C. 112 [Pub. L. No. 89-554; 80 Stat. 608], has authorized and encouraged  
16 compacts for cooperative efforts and mutual assistance in the prevention of crime.
- 17 2. It is the purpose of this compact and the interstate commission created under this  
18 compact, through means of joint and cooperative action among the compacting  
19 states:
- 20 a. To provide the framework for the promotion of public safety and protect the  
21 rights of victims through the control and regulation of the interstate movement  
22 of offenders in the community;
- 23 b. To provide for the effective tracking, supervision, and rehabilitation of these  
24 offenders by the sending and receiving states; and

- 1           c. To equitably distribute the costs, benefits, and obligations of the compact
- 2           among the compacting states.
- 3        3. In addition, this compact is intended to:
- 4           a. Create an interstate commission that will establish uniform procedures to
- 5           manage the movement between states of offenders placed under community
- 6           supervision and released to the community under the jurisdiction of courts,
- 7           paroling authorities or corrections or other criminal justice agencies that will
- 8           promulgate rules to achieve the purpose of this compact;
- 9           b. Ensure an opportunity for comment and time notice to victims and to
- 10          jurisdictions where offenders are authorized to travel or to relocate across
- 11          state lines;
- 12          c. Establish a system of uniform data collection, access to information on active
- 13          cases by authorized criminal justice officials and regular reporting of compact
- 14          activities to the heads of state councils, the state executive, judicial, and
- 15          legislative branches, and the criminal justice administrators;
- 16          d. Monitor compliance with rules governing interstate movement of offenders
- 17          and initiate interventions to address and correct noncompliance; and
- 18          e. Coordinate training and education on the regulation of interstate movement of
- 19          offenders for officials involved in that activity.
- 20        4. The compacting states recognize that there is no right of any offender to live in
- 21          another state and that duly accredited officers of a sending state may at all times
- 22          enter a receiving state and there apprehend and retake any offender under
- 23          supervision, subject to this compact and the bylaws and rules promulgated under
- 24          this compact. It is the policy of the compacting states that the activities conducted
- 25          by the interstate commission are intended to formulate public policy and are
- 26          therefore public business.

## **Article 2. Definitions**

As used in this compact, unless the context otherwise requires:

1. "Adult" means a person who is eighteen years of age or older or a person under  
eighteen years of age who is legally classified, either by statute or court order, as  
an adult.

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- 1           2. "Bylaws" means those bylaws established by the interstate commission for its  
2                   governance or for directing or controlling the interstate commission's actions or  
3                   conduct.
- 4           3. "Compact administrator" means the individual in each compacting state appointed  
5                   under the terms of this compact responsible for the administration and  
6                   management of the state's supervision and transfer of offenders subject to the  
7                   terms of this compact, the rules adopted by the interstate commission, and policies  
8                   adopted by the state council under this compact.
- 9           4. "Compacting state" means any state that has enacted the enabling legislation for  
10                   this compact.
- 11          5. "Commissioner" means the voting representative of each compacting state  
12                   appointed pursuant to article 3 of this compact.
- 13          6. "Interstate commission" means the interstate commission for adult offender  
14                   supervision created by article 3 of this compact.
- 15          7. "Member" means the commissioner of a compacting state or the commissioner's  
16                   designee who is an individual officially connected with the commissioner.
- 17          8. "Noncompacting state" means any state that has not enacted the enabling  
18                   legislation for this compact.
- 19          9. "Offender" means an adult placed under or subject to supervision as the result of  
20                   the commission of a criminal offense and released to the community under the  
21                   jurisdiction of courts, paroling authorities, or corrections or other criminal justice  
22                   agencies.
- 23          10. "Person" means any individual or public or private legal entity.
- 24          11. "Rules" means acts of the interstate commission, adopted pursuant to article 8 of  
25                   this compact and substantially affecting interested parties in addition to the  
26                   interstate commission, which have the force and effect of law in the compacting  
27                   states.
- 28          12. "State" means a state of the United States, the District of Columbia, or any  
29                   territorial possession of the United States.
- 30          13. "State council" means the resident members of the state council for interstate adult  
31                   offender supervision created by each state under article 4 of this compact.

**Article 3. Interstate Commission for Adult  
Offender Supervision**

1. The compacting states hereby create the interstate commission for adult offender supervision. The interstate commission is a body corporate and joint agency of the compacting states. The interstate commission has all the responsibilities, powers, and duties set forth in this compact, including the power to sue and be sued and any additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with this compact.
2. The interstate commission consists of commissioners selected and appointed by each state. In addition to the commissioners who are the voting representatives of each state, the interstate commission includes individuals who are not commissioners but who are members of interested organizations. The noncommissioner members include a member of the national organizations of governors, legislators, state chief justices, attorneys general, and crime victims. All noncommissioner members of the interstate commission are nonvoting members. The interstate commission may provide in its bylaws for additional nonvoting members as it deems necessary.
3. Each compacting state represented at any meeting of the interstate commission is entitled to one vote. A majority of the compacting states constitutes a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.
4. The interstate commission shall meet at least once each calendar year. The chairman may call additional meetings and, upon the request of twenty-seven or more compacting states, shall call additional meetings. Public notice must be given of all meetings and meetings are open to the public, except as provided in article 7 of this compact.
5. The interstate commission shall establish an executive committee that includes commission officers, members, and others as determined by the bylaws. The executive committee has the power to act on behalf of the interstate commission during periods when the interstate commission is not in session, with the exception of rulemaking or amendment to the compact. The executive committee oversees

1 the day-to-day activities managed by the executive director and interstate  
2 commission staff, administers enforcement and compliance with the provisions of  
3 the compact, its bylaws and rules and as directed by the interstate commission and  
4 performs other duties as directed by the interstate commission or as set forth in the  
5 bylaws and rules.

6 **Article 4. Compact Administrator and State Council**

- 7 1. The director of the department of corrections and rehabilitation, or the director's  
8 designee, shall serve as the compact administrator for this state's commissioner to  
9 the interstate commission.
- 10 2. The North Dakota state council for interstate adult offender supervision is  
11 established, consisting of seven members. The director of the department of  
12 corrections and rehabilitation, or the director's designee, is a member of the state  
13 council and serves as chairman. Of the remaining members of the state council:  
14 a. The governor shall appoint three members, one of whom must represent a  
15 crime victim's organization; and  
16 b. The chief justice of the supreme court, the president of the senate, and the  
17 speaker of the house of representatives shall each appoint one member.
- 18 3. The term of office of a member is four years.
- 19 4. The state council shall meet at least twice a year.
- 20 5. The state council may advise the compact administrator on participation in the  
21 interstate commission activities and administration of the compact.
- 22 6. Members of the state council are entitled to expenses as provided in sections  
23 44-08-04 and 54-06-09. Any legislative members are entitled to compensation and  
24 expense reimbursement at the rate provided for members of the legislative  
25 assembly for attendance at interim committee meetings.

26 **Article 5. Powers and Duties of the Interstate Commission**

27 The interstate commission has the following powers:

- 28 1. To adopt suitable bylaws governing the management and operation of the  
29 interstate commission.
- 30 2. To adopt rules that have the force and effect of law and are binding in the  
31 compacting states to the extent and in the manner provided in this compact.

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- 1           3. To oversee, supervise, and coordinate the interstate movement of offenders  
2           subject to the terms of this compact and any bylaws and rules adopted by the  
3           interstate commission.
- 4           4. To enforce compliance with the compact and the rules and bylaws of the interstate  
5           commission, using all necessary and proper means, including the use of judicial  
6           process.
- 7           5. To establish and maintain offices.
- 8           6. To purchase and maintain insurance and bonds.
- 9           7. To borrow, accept, or contract for the services of personnel, including members  
10          and their staffs.
- 11          8. To establish and appoint committees and hire staff it deems necessary to carry out  
12          its functions, including an executive committee as required by article 3 of this  
13          compact, which has the power to act on behalf of the interstate commission in  
14          carrying out its powers and duties under this compact.
- 15          9. To elect or appoint officers, attorneys, employees, agents, or consultants, and to fix  
16          their compensation, define their duties, and determine their qualifications, and to  
17          establish the interstate commission's personnel policies and programs relating to,  
18          among other things, conflicts of interest, rates of compensation, and qualifications  
19          of personnel.
- 20          10. To accept, use, and dispose of donations and grants of money, equipment,  
21          supplies, materials, and services.
- 22          11. To lease, purchase, accept contributions or donations of any property, or otherwise  
23          to own, hold, improve, or use any property.
- 24          12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
25          dispose of any property.
- 26          13. To establish a budget and make expenditures and levy dues as provided in  
27          article 10 of this compact.
- 28          14. To sue and be sued.
- 29          15. To provide for dispute resolution among compacting states.
- 30          16. To perform functions as may be necessary or appropriate to achieve the purposes  
31          of this compact.

- 1           17. To report annually to the legislatures, governors, judiciary, and state councils of the
- 2                    compacting states concerning the activities of the interstate commission during the
- 3                    preceding year. Reports must also include any recommendations that may have
- 4                    been adopted by the interstate commission.
- 5           18. To coordinate education, training, and public awareness regarding the interstate
- 6                    movement of offenders for officials involved in such activity.
- 7           19. To establish uniform standards for the reporting, collecting, and exchanging of
- 8                    data.

**Article 6. Organization and Operation of the  
Interstate Commission**

- 11           1. The interstate commission, by a majority of the members within twelve months of
- 12                    the first interstate commission meeting, shall adopt bylaws to govern its conduct as
- 13                    may be necessary or appropriate to carry out the compact, including:
- 14                    a. Establishing the fiscal year of the interstate commission.
- 15                    b. Establishing an executive committee and other committees as may be
- 16                    necessary.
- 17                    c. Providing reasonable standards and procedures for establishing committees
- 18                    and governing any general or specific delegation of any authority or function
- 19                    of the interstate commission.
- 20                    d. Providing reasonable procedures for calling and conducting meetings of the
- 21                    interstate commission and ensuring reasonable notice of each meeting.
- 22                    e. Establishing the titles and responsibilities of the officers of the interstate
- 23                    commission.
- 24                    f. Providing reasonable standards and procedures for the establishment of the
- 25                    personnel policies and programs of the interstate commission.
- 26                    Notwithstanding any civil service laws or other similar laws of any compacting
- 27                    state, the bylaws exclusively govern the personnel policies and programs of
- 28                    the interstate commission.
- 29                    g. Providing a mechanism for winding up the operations of the interstate
- 30                    commission and the equitable return of any surplus funds that may exist upon

- 1 the termination of the compact after the payment or reserving of all of the  
2 interstate commission's debts and obligations.
- 3 h. Providing transition rules for startup administration of the compact.
- 4 i. Establishing standards and procedures for compliance and technical  
5 assistance in carrying out the compact.
- 6 2. a. The interstate commission, by a majority of the members, shall elect from  
7 among its members a chairman and vice chairman, each of whom has the  
8 authority and duties as may be specified in the bylaws. The chairman, or in  
9 the chairman's absence or disability the vice chairman, shall preside at all  
10 meetings of the interstate commission. The officers so elected serve without  
11 compensation or remuneration from the interstate commission, provided that,  
12 subject to the availability of budgeted funds, the officers are reimbursed for  
13 any actual and necessary costs and expenses incurred by them in the  
14 performance of their duties and responsibilities as officers of the interstate  
15 commission.
- 16 b. The interstate commission shall, through its executive committee, appoint or  
17 retain an executive director for the period, upon the terms and conditions and  
18 for the compensation as the interstate commission may deem appropriate.  
19 The executive director shall serve as secretary to the interstate commission  
20 and shall hire and supervise other staff as may be authorized by the interstate  
21 commission, but is not a member of the interstate commission.
- 22 3. The interstate commission shall maintain its corporate books and records in  
23 accordance with the bylaws.
- 24 4. a. The liability of any member, officer, executive director, employee or agent of  
25 the interstate commission acting within the scope of the person's employment  
26 or duties for acts, errors, or omissions occurring within the state may not  
27 exceed the limits set forth in chapter 32-12.2. This subsection does not  
28 protect any person from suit or liability for any damage, loss, injury, or liability  
29 caused by the intentional or willful and wanton misconduct of any person.
- 30 b. The interstate commission shall defend the commissioner of a compacting  
31 state, the commissioner's representatives or employees, or the interstate





- 1 of the director at a specified meeting. The bylaws may provide for members'  
2 participation in meetings by telephone or other means of telecommunication or  
3 electronic communication. Any voting conducted by telephone or other means of  
4 telecommunication or electronic communication is subject to the same quorum  
5 requirements of meetings where members are present in person.
- 6 4. The interstate commission's bylaws must establish conditions and procedures  
7 under which the interstate commission makes its information and official records  
8 available to the public for inspection or copying. The interstate commission may  
9 exempt from disclosure any information or official records to the extent the  
10 information or records would adversely affect personal privacy rights or proprietary  
11 interests. In adopting rules, the interstate commission may make available to law  
12 enforcement agencies records and information otherwise exempt from disclosure  
13 and may enter into agreements with law enforcement agencies to receive or  
14 exchange information or records subject to nondisclosure and confidentiality  
15 provisions.
- 16 5. Public notice must be given of all meetings and all meetings must be open to the  
17 public, except as set forth in the rules or as otherwise provided in the compact.  
18 The interstate commission shall adopt rules consistent with the principles  
19 contained in the Government in the Sunshine Act [Pub. L. 104-231; 110 Stat. 3049;  
20 5 U.S.C. 552]. The interstate commission and any of its committees may close a  
21 meeting to the public when the interstate commission determines by two-thirds  
22 vote that an open meeting would be likely to:
- 23 a. Relate solely to the interstate commission's internal personnel practices and  
24 procedures;
- 25 b. Disclose matters specifically exempted from disclosure by statute;
- 26 c. Disclose trade secrets or commercial or financial information that is privileged  
27 or confidential;
- 28 d. Involve accusing any person of a crime or formally censuring any person;
- 29 e. Disclose information of a personal nature when the disclosure would  
30 constitute a clearly unwarranted invasion of personal privacy;
- 31 f. Disclose investigatory records compiled for law enforcement purposes;

- 1           g. Disclose information contained in or related to examination, operating, or  
2           condition reports prepared by, or on behalf of or for the use of, the interstate  
3           commission with respect to a regulated entity for the purpose of regulation or  
4           supervision of the entity;
- 5           h. Disclose information when the premature disclosure would significantly  
6           endanger the life of a person or the stability of a regulated entity; or
- 7           i. Specifically relate to the interstate commission's issuance of a subpoena or its  
8           participation in a civil action or proceeding.
- 9        6. For every meeting closed pursuant to subsection 5, the interstate commission's  
10       chief legal officer shall publicly certify that, in the officer's opinion, the meeting may  
11       be closed to the public and shall make reference to each relevant provision  
12       authorizing closure of the meeting. The interstate commission shall keep minutes  
13       that fully and clearly describe all matters discussed in any meeting and shall  
14       provide a full and accurate summary of any action taken, and the reasons therefor,  
15       including a description of each of the views expressed on any item and the record  
16       of any roll call vote. All documents considered in connection with any action must  
17       be identified in the minutes.
- 18       7. The interstate commission shall collect standardized data concerning the interstate  
19       movement of offenders as directed through its bylaws and rules that specify the  
20       data to be collected, the means of collection and data exchange, and reporting  
21       requirements.

## **Article 8. Rulemaking Functions of the Interstate**

### **Commission**

- 24       1. The interstate commission shall adopt rules in order to effectively and efficiently  
25       achieve the purposes of the compact, including transition rules governing  
26       administration of the compact during the period in which it is being considered and  
27       enacted by the states.
- 28       2. Rulemaking must occur pursuant to the criteria set forth in this article and the  
29       bylaws and rules adopted pursuant to this article. The rulemaking must  
30       substantially conform to the principles of the Federal Administrative Procedure Act  
31       [Pub. L. 103-272; 108 Stat. 1373; 5 U.S.C. 551 et seq.] and the Federal Advisory

- 1                   Committee Act [5 U.S.C. Appendix 2, section 1 et seq.]. All rules and amendments  
2                   become binding as of the date specified in each rule or amendment.
- 3           3.   If a majority of the legislatures of the compacting states reject a rule, by enactment  
4           of a statute or adoption of a resolution in the same manner used to adopt the  
5           compact, the rule has no further force and effect in any compacting state.
- 6           4.   When adopting a rule, the interstate commission shall:
- 7           a.   Publish the proposed rule, stating with particularity the text of the rule that is  
8           proposed and the reason for the proposed rule;
- 9           b.   Allow persons to submit written data, facts, opinions and arguments, which  
10           information must be publicly available;
- 11           c.   Provide an opportunity for an informal hearing; and
- 12           d.   Adopt a final rule and its effective date, if appropriate, based on the  
13           rulemaking record. Not later than sixty days after a rule is adopted, any  
14           interested person may file a petition in the United States district court for the  
15           District of Columbia or in the federal district court where the interstate  
16           commission's principal office is located for judicial review of the rule. If the  
17           court finds that the interstate commission's action is not supported by  
18           substantial evidence in the rulemaking record, the court shall hold the rule  
19           unlawful and set it aside. For purposes of this subdivision, evidence is  
20           substantial if it would be considered substantial evidence under the Federal  
21           Administrative Procedure Act [Pub. L. 103-272; 108 Stat. 1373; 5 U.S.C. 551  
22           et seq.] and the Federal Advisory Committee Act [5 U.S.C. Appendix 2,  
23           section 1 et seq.].
- 24           5.   Rules related to the following subjects must be addressed within twelve months  
25           after the first meeting of the interstate commission:
- 26           a.   Notice to victims and opportunity to be heard;
- 27           b.   Offender registration and compliance;
- 28           c.   Violations and returns;
- 29           d.   Transfer procedures and forms;
- 30           e.   Eligibility for transfer;
- 31           f.   Collection of restitution and fees from offenders;

- 1           g. Data collection and reporting;
- 2           h. Level of supervision to be provided by the receiving state;
- 3           i. Transition rules governing the operation of the compact and the interstate  
4           commission during the period between the effective date of the compact and  
5           the date on which the last eligible state adopts the compact; and
- 6           j. Mediation, arbitration, and dispute resolution.
- 7        6. The existing rules governing the operation of the previous compact superseded by  
8        this compact are void twelve months after the first meeting of the interstate  
9        commission created under this compact.
- 10       7. Upon determination by the interstate commission that an emergency exists, the  
11       interstate commission may adopt an emergency rule that becomes effective  
12       immediately upon adoption, provided that the usual rulemaking procedures  
13       provided in this article are retroactively applied to the rule as soon as reasonably  
14       possible, but no later than ninety days after the effective date of the rule.

15                   **Article 9. Oversight, Enforcement, and Dispute Resolution by**  
16                                   **the Interstate Commission**

- 17       1. a. The interstate commission shall oversee the interstate movement of adult  
18       offenders in the compacting states and shall monitor those activities being  
19       administered in noncompacting states which may significantly affect  
20       compacting states.
- 21       b. The courts and executive agencies in each compacting state shall enforce this  
22       compact and shall take all actions necessary and appropriate to effectuate the  
23       compact's purposes and intent. In any judicial or administrative proceeding in  
24       a compacting state pertaining to the subject matter of this compact which may  
25       affect the powers, responsibilities, or actions of the interstate commission, the  
26       interstate commission is entitled to receive all service of process in any such  
27       proceeding and has standing to intervene in the proceeding for all purposes.
- 28       2. a. The compacting states shall report to the interstate commission on issues or  
29       activities of concern to them and cooperate with and support the interstate  
30       commission in the discharge of its duties and responsibilities.



- 1           5.   a.   The interstate compact for adult offender supervision fund is established as a  
2                       special fund in the state treasury. The fund consists of moneys appropriated  
3                       for the purpose of meeting financial obligations imposed on the state as a  
4                       result of the state's participation in this compact.
- 5           b.   An assessment levied or any other financial obligation imposed under this  
6                       compact is effective against the state only to the extent that moneys to pay  
7                       the assessment or meet the financial obligation have been appropriated and  
8                       deposited in the fund established in subdivision a of this subsection.

9                                       **Article 11. Compacting States, Effective Date,  
10                                       and Amendment**

- 11           1.   Any state is eligible to become a compacting state.
- 12           2.   The compact becomes effective and binding upon legislative enactment of the  
13                       compact into law by thirty-five or more of states. The initial effective date is the  
14                       later of August 1, 2001, or upon enactment into law by the thirty-fifth state.  
15                       Thereafter, the compact becomes effective and binding, as to any other  
16                       compacting state, upon enactment of the compact into law by that state. The  
17                       governors of noncompacting states or their designees may be invited to participate  
18                       in interstate commission activities on a nonvoting basis before adoption of the  
19                       compact by all states.
- 20           3.   Amendments to the compact may be proposed by the interstate commission for  
21                       enactment by the compacting states. No amendment becomes effective and  
22                       binding upon the interstate commission and the compacting states until it is  
23                       enacted into law by unanimous consent of the compacting states.

24                                       **Article 12. Withdrawal, Default, Termination, and  
25                                       Judicial Enforcement**

- 26           1.   a.   Once effective, the compact continues in force and remains binding upon  
27                       every compacting state, but a compacting state may withdraw from the  
28                       compact by repealing the statute resolution that enacted the compact into law.  
29                       The effective date of withdrawal is the effective date of the repeal.
- 30           b.   The withdrawing state shall notify the chairman of the interstate commission in  
31                       writing upon the introduction of legislation repealing this compact in the

- 1                   withdrawing state. The interstate commission shall notify the other  
2                   compacting states of the withdrawing state's intent to withdraw within sixty  
3                   days of receipt of the notice.
- 4                   c. The withdrawing state is responsible for all assessments, obligations, and  
5                   liabilities of that state incurred through the effective date of withdrawal,  
6                   including any obligations, the performance of which extend beyond the  
7                   effective date of withdrawal.
- 8                   d. Reinstatement following withdrawal of any compacting state occurs upon the  
9                   withdrawing state reenacting the compact or upon a later date as determined  
10                  by the interstate commission.
- 11                2. a. If the interstate commission determines that any compacting state has at any  
12                  time defaulted in the performance of any of its obligations or responsibilities  
13                  under this compact or the bylaws or rules of the interstate commission, the  
14                  interstate commission may impose any one or more of the following penalties:  
15                  (1) Fines, fees, and costs in amounts as are deemed to be reasonable as  
16                  fixed by the interstate commission.  
17                  (2) Remedial training and technical assistance as directed by the interstate  
18                  commission.  
19                  (3) Suspension and termination of membership in the compact.  
20                  Suspension may be imposed only after all other reasonable means of  
21                  securing compliance under the bylaws and rules have been exhausted.  
22                  Immediate notice of suspension must be given by the interstate  
23                  commission to the governor, the chief justice, or chief judicial officer of  
24                  the defaulting state, the majority and minority leaders of the defaulting  
25                  state's legislative assembly, and the state council.
- 26                  b. The grounds for default include failure of a compacting state to perform  
27                  obligations or responsibilities imposed upon it by this compact or the interstate  
28                  commission bylaws or rules. The interstate commission shall immediately  
29                  notify the defaulting state in writing of the penalty imposed by the interstate  
30                  commission on the defaulting state pending a cure of the default. The  
31                  interstate commission shall stipulate the conditions and the time period within



- 1                   which the defaulting state must cure its default. If the defaulting state fails to  
2                   cure the default within the time period specified by the interstate commission,  
3                   in addition to any other penalties imposed, the defaulting state may be  
4                   terminated from the compact upon an affirmative vote of a majority of the  
5                   compacting states and all rights, privileges, and benefits conferred by this  
6                   compact must be terminated from the effective date of suspension. Within  
7                   sixty days of the effective date of termination of a defaulting state, the  
8                   interstate commission shall notify the governor, the chief justice, or chief  
9                   judicial officer of the defaulting state, the majority and minority leaders of the  
10                  defaulting state's legislative assembly, and the state council of the  
11                  termination.
- 12                c.    The defaulting state is responsible for all assessments, obligations, and  
13                  liabilities of that state incurred through the effective date of termination,  
14                  including any obligations, the performance of which extend beyond the  
15                  effective date of termination.
- 16                d.    The interstate commission does not bear any costs relating to the defaulting  
17                  state unless otherwise mutually agreed upon between the interstate  
18                  commission and the defaulting state. Reinstatement following termination of  
19                  any compacting state requires both a reenactment of the compact by the  
20                  defaulting state and the approval of the interstate commission pursuant to the  
21                  rules.
- 22                3.    The interstate commission, by majority vote of the members, may initiate legal  
23                  action in the United States district court for the District of Columbia or, at the  
24                  discretion of the interstate commission, in the federal district court where the  
25                  interstate commission has its principal office to enforce compliance with the  
26                  compact, its rules, or bylaws against any compacting state in default. In the event  
27                  judicial enforcement is necessary, the prevailing party must be awarded all costs of  
28                  the litigation, including reasonable attorney fees.
- 29                4.    a.   The compact dissolves effective upon the date of the withdrawal or default of  
30                  the compacting state which reduces membership in the compact to one  
31                  compacting state.

- 1           b. Upon the dissolution of this compact, the compact becomes void and the  
2           business and affairs of the interstate commission must be concluded and any  
3           surplus funds must be distributed in accordance with the bylaws.

4           **Article 13. Binding Effect of Compact and Other Laws**

- 5           1. a. This compact does not prevent the enforcement of any other law of a  
6           compacting state which is consistent with this compact.  
7           b. The laws of the state, other than the Constitution of North Dakota, which  
8           conflict with this compact are superseded to the extent of the conflict.  
9           2. a. All lawful actions of the interstate commission, including all rules and bylaws  
10           adopted by the interstate commission, are binding upon the state unless  
11           contrary to the Constitution of North Dakota.  
12           b. All agreements between the interstate commission and the compacting states  
13           are binding in accordance with their terms.  
14           c. Upon the request of a party to a conflict over meaning or interpretation of  
15           interstate commission actions, and upon a majority vote of the compacting  
16           states, the interstate commission may issue advisory opinions regarding the  
17           meaning or interpretation.  
18           d. In the event any provision of this compact exceeds the constitutional limits  
19           imposed on the legislative assembly of any compacting state, the obligations,  
20           duties, powers, or jurisdiction sought to be conferred by the provision upon  
21           the interstate commission are ineffective and the obligations, duties, powers,  
22           or jurisdiction remain in the compacting state and must be exercised by the  
23           agency to which the obligations, duties, powers, or jurisdiction are delegated  
24           by law in effect at the time this compact becomes effective.  
25           3. The state is bound by the bylaws and rules adopted under this compact only to the  
26           extent that the operation of the bylaws and rules does not impose an obligation  
27           exceeding any limitation on state power or authority contained in the Constitution of  
28           North Dakota as interpreted by the courts of this state.

29           **SECTION 2. EXPIRATION DATE.** This Act is effective through August 1, 2003, and  
30           after that date is ineffective.